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ABSTRACT

The Staff Association of Montgomery College is composed of those who work at the college and are not a member of the Faculty or an Administrator. It was formed in response to a need for representation, to give the Staff a voice for expressing its concerns to the governing bodies of the College. That voice is placed in a seven-member Senate, which is selected annually. Bylaws of the association are listed; these are not of a fixed nature, but are designed to accept the creative and experimental attitude toward change. (Author/CK)

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JC 730 001

THE STAFF ASSOCIATION

of

MONTGOMERY COLLEGE

What does Staff mean at Montgomery College? Who belongs to the Staff? From one end of the College to the other, and everywhere in between, you will find Staff people doing some essential job for the College. From the answering voice at the telephone switchboard to the security officer walking his rounds, from the secretary and clerk-typist to the development specialist in the office, from accountants and account clerks to key-punch operators, from buyers to the budget analyst, from technicians to graphic artists, from instructional aides to custodial-maintenance workers, from the cafeteria to the science labs, inside and outside, upstairs and down, they are everywhere.

The Staff positions at this College are so varied that it is easier to indicate which jobs are not Staff than to list all those positions that are. If you work at Montgomery College and are not a member of the Faculty or an Administrator, then you are a member of the Staff and a member of this Association.

The Staff Association (formerly Supporting Services Association) was formed in the spring of 1970, in response to a need for representation, to give the Staff a voice for expressing its concerns to the governing bodies of the College. That voice is placed in a seven-member Senate, proportionately elected to give Takoma Park Campus two representatives, Central Administration two representatives, and Rockville Campus, three.

The Senate is elected annually in the spring of the year, to take office July 1. Its chairman represents the Staff Association at meetings of the Board of Trustees, is a member of the Presidents's Advisory Council, and of the Supporting Services Review Board. The standing committees on salary, benefits, communications, and policies and procedures welcome suggestions and participation from the membership.

1970 - 1971 Senate

Mrs. Joan Faber	1 year
Mr. Gordon Hogg	2 years
Mrs. Ruth Jordan	1 year
Mrs. Eva Meyerson (Chairman)	2 years
Mr. Adolphus Sparks	2 years
Mr. James Toler	2 years
Mr. Dean Trevorrow (replacing Mr. Bill Lundgren- who died in December, 1970)	1 year

1971 - 1972 Senate

Mr. Joseph Corbin
Mrs. Joan Faber (Chairman)
Mr. Gordon Hogg
Mrs. Eva Meyerson
Mr. Adolphus Sparks
Mr. James Toler
Mrs. Betty Watson

After the first election which insured a staggered term of office, all Senators will be elected for two year terms.

1972 - 1973 Senate

Mr. Joseph Corbin	Rockville
Mrs. Liz Cubitt	Rockville
Mrs. Joan Faber	Central Administration
Mr. Lawrence Johnson	Takoma Park
Mr. Robert A. Mazzolini, Jr. (Chairman)	Rockville
Mr. L. Jerome Offutt	Central Administration
Mrs. Betty Watson	Takoma Park

As the list of past Senators grows so do the duties and responsibilities of each Senator. Get to know your Senators. Offer to help them. The Staff Senate is <u>YOUR</u> voice in the College governance system. It can only be representative of you if you work and let your feelings be known.

Attached is a copy of the bylaws of the Staff Senate, and a copy of Section 4 of the Policies and Procedures Manual of the College. This section, dealing completely with the Staff, is for your use and reference. A complete copy of the Policies and Procedures Manual is available in the reference section of the library at each campus.

BYLAWS
THE STAFF ASSOCIATION
OF MONTGOMERY COLLEGE

Statement of Purpose

The Staff is one of the four vital groups that make up the total college structure, and is recognized along with the other three groups, faculty, administrators, and students, as an integral part of the institutional program. It may exercise, through an appropriate elected body, the right to express its concern and make recommendations to the President and through him to the Board of Trustees.

Structure

1. The Staff Association is established to represent all Staff personnel.

2. The Staff Senate shall be the body elected by the Staff Association to speak for the group, and shall be their official channel of communication with the governing entities of the college.

3. Each campus will be represented in the Senate. The proportionate representation will be as follows:

   Central Administration - Two Senators
   Rockville Campus - Three Senators
   Takoma Park Campus - Two Senators

4. To fulfill the statement of purpose, the bylaws of the Staff Association have been developed by Staff personnel. The bylaws set forth in this and subsequent paragraphs of this document have been ratified by a majority vote of the Staff, approved by the President, and transmitted to the Board of Trustees.

5. The bylaws written here are not of a fixed nature, but are designed to accept the creative and experimental attitude toward change. The amendments are accomplished by a majority vote of those present at The Staff Association's Annual Meeting. In the event that a meeting is not feasible, the Chairman has authority, with the approval of the Senate, to distribute mail ballots. A majority count of responses to these ballots will determine the amendment, subject to the approval of the President.

The Staff Senate

The Staff Senate is an elected body with the assigned task of being the official representative of Staff employees, and through its chairman or his assistant, communicating their concerns and recommendations to the appropriate parties.

Senate Structure

The Senate is made up of seven elected members who shall elect from among themselves their Chairman and Vice-Chairman. The Chairman will appoint

two (2) secretaries, (one from Rockville and one from Takoma Park) to take minutes of the meetings on their respective campuses. The secretary will not be considered a member of the Senate.

Senate Responsibilities

1. Reviews continuously the college Policies and Procedures regarding Staff personnel and makes appropriate recommendations.

2. Makes comments, presents suggestions, or takes other appropriate action on policy and procedural matters affecting the Staff in general, in accordance with Section 4.07 of the Policies and Procedures Manual.

3. Appoints committees as deemed necessary to perform certain tasks and holds these committees responsible for their assigned tasks.

4. Reviews and evaluates information passed to it by the committees, and makes recommendations to the appropriate areas.

5. Meets with the President to present recommendations and discuss concerns which are pertinent to the represented body and the college.

6. Appoints annually from among the Staff a parliamentarian to serve at all meetings of the full Staff, for which official minutes will be maintained and a copy sent to the President and other appropriate bodies.

7. Acts as the spokesman group for the Staff employees of Montgomery College. The chairman or designee may accompany an employee and act as counsel on his behalf when requested to do so.

8. Exercises judgment for referring Staff considerations to appropriate areas or channels.

9. Considers for action only those grievances which relate to established policies and procedures of the College or which affect an entire group of employees, such as a department, but does not act upon individual grievances other than to acquaint the employee with the established procedures for review.

General Affairs

1. Minutes of all Senate meetings will be available to the represented members so that all persons represented by that body will have contact with all matters discussed by that body. The minutes of all Senate meetings will be transmitted to the President, the Board of Trustees, and any other appropriate parties.

2. A manual will be developed by the Senate outlining the Association. Copies will be distributed to all represented employees and made available to the Personnel Office to become part of the information packet given to newly hired employees.

3. An annual College-wide Staff Association meeting will be held during spring vacation on a day the College is open. Additional Staff Association meetings may be called between the hours of 8:00 A.M. and 4:00 P.M. by the Chairman of the Senate in cooperation with the Director of Personnel who shall coordinate arrangements with appropriate administrative personnel in order that the meetings will not interfere with the normal functions of the College.

4. Special meetings will be called by the chairman in cooperation with the Director of Personnel as in item 3 above. To support these meetings, a document will be required stating the nature and urgency of the matter in question with signatures of at least 20% of the represented employees attached. When the details of the meeting are established, an information flyer will be sent to all represented employees.

5. Meetings of the full Senate are to be held once each month, between the hours of 8:00 A.M. and 4:00 P.M., the date and location established around the member's availability. In order that a meeting become part of the official records, five of the seven members must be present.

6. Meetings of the bodies of the Staff Association are to be held between the hours of 8:00 A.M. and 4:00 P.M. of the normal work day, except in cases where the Chairman of the Senate feels an urgent meeting is needed.

7. Any item to be considered at the regular Senate meeting must be in the hands of the Senate members 4 days prior to the meeting date. Otherwise it will be discussed at the next regular meeting.

Duties of the Senate Chairman

1. Presides over the Senate and conveys recommendations to the appropriate parties. Abides by the bylaws of this document in the performance of his duties. Is empowered to make necessary editorial changes to conform the bylaws to changes in college titles of positions and bodies.

2. Appoints the chairman of all standing and ad hoc committees with the advice of the Senate.

3. Will be informed of all Board of Trustees meetings involving matters pertaining to Staff employees. He or his designee will have the responsibility and right to speak freely before the Board of Trustees at such meetings.

4. Will receive a copy of the minutes of all Board meetings where Staff matters have been discussed, for review before the Senate.

5. Will be a member of the President's Advisory Council and the Staff Review Board. He or his designee will attend the meetings of these two groups.

6. In the event of loss of a senator before his term of office has expired,

the chairman of the Staff Senate may, with the approval of the Senate, appoint a person to serve out the remainder of the term.

Duties of the Senate Vice-Chairman

Presides over the Senate in the absence of the chairman and carries out the duties usually associated with the office.

Duties of the Senators

1. Attend meetings of the Senate. After two consecutive absences from regularly scheduled Senate meetings, a Senator will be asked, by the Chairman, to declare his intention either to resign or to participate actively in the fulfillment of the duties of his office.

2. Perform duties as outlined in Senate Responsibilities.

3. Receive communications from any Staff employee and convey this information to the full Senate.

Duties of the Appointed Secretary

The secretary will take minutes of the meetings assigned, put them in final form, and transmit them to the Chairman of the Senate to be distributed as stated in the bylaws.

Eligibility for the Senate

Any Staff employee holding permanent status is eligible to become a candidate for the Senate, or to serve on a committee of the Senate.

Tenure

1. The term of office of Senator shall be two years except that for the first year (only), three of the Senators shall serve a term of one year.

2. No Senator may be elected to serve more than two consecutive terms.

Election

1. Any Staff employee is eligible to vote.

2. At the April Senate meeting, an Ad Hoc Elections Committee of three (one each from Central Administration, Rockville Campus, and Takoma Park Campus), shall be appointed by the Chairman of the Senate with the advice of the Senate. This committee shall within 10 days, but no later than April 30, inform all Staff employees of Senate positions to be filled in the annual election and invite nominations by the Monday closest to May 10. All nominations received by the elections committee will be transmitted to the Chairman of the Senate by the following Monday so that an election may be held no later than the last working day in May.

3. Any candidate must receive the total number of nominations that would equal 5% of the employees who are eligible to vote for that candidate.

4. The Ad Hoc Elections Committee shall have the responsibility of determining the number of employees in each division who are eligible to vote, and indicating on the nominating ballots which they distribute, the number of signatures required to nominate a candidate.

5. Between election and July 1, the Senate will meet at which time the outgoing Senators will turn over materials to their successors and the new Senate shall elect its Chairman and Vice-Chairman, who shall take office upon election.

PERSONNEL ADMINISTRATION: STAFF PERSONNEL

4.00 GENERAL

The guidelines in this chapter are those governing the staff employees of the College, formerly referred to as Supporting Services. Those paragraphs titled "policy" contain policies promulgated by the Board of Trustees; those titled "procedures" contain the approved implementing procedures. Definitions of terms used herein are contained in paragraph 4.50.

4.05 AUTHORITY

a. The personnel policies and procedures governing all staff employees are promulgated with the understanding that the Board of Trustees, in consultation with the President, and on the basis of all available facts, establishes the policies by which the College is operated, and that the President, with the full approval of the Board exercises his professional skill in administering the policies and in reporting the effectiveness or need for modifications of the policies to the Board. These policies are established by the Board of Trustees pursuant to the authority vested in the President and the Board of Trustees by Article 77A, Section 1, Annotated Code of Maryland. (See Page A-100)

b. Policies governing the staff personnel which are adopted by the Board of Trustees shall be consistent with the State Law, and all action shall be effective after a public meeting, the formal record of which shall likewise be public.

c. The responsibility for the administration, in matters pertaining to staff personnel of the College, is vested in the President of the College. (Board of Trustees Resolution 410-67, July 17, 1967)

d. The use of the term Staff to refer to all employees who are not faculty or administrators was approved by the Board of Trustees on January 20, 1972.

The purpose of establishing personnel policies for staff employees is to provide a basis for personnel regulations. The President shall establish procedures deriving from the policies which shall become guidelines to provide uniformity in handling personnel matters of Montgomery College.

In all cases of proposed modification to policy or procedures affecting staff employees in general, the Staff Senate shall be consulted concerning the proposed modifications with sufficient lead time so that it shall have the opportunity to make comments, present suggestions, or take other appropriate action before any decision-making body or official of the College is requested to take action with respect to the proposed modifications.

4.08 ACCESS TO PERSONNEL FILES:

Access to personnel files is restricted. See Article 76A, Annotated Code of Maryland, attached as Appendix B to this manual.

(Modifications included through Mod. 97, Oct. 31, 1972)

4.09 ESTABLISHMENT AND ABOLISHMENT OF POSITIONS

4.091 POLICY

a. The President shall recommend to the Board of Trustees [2/] for approval the number of permanent and conditional positions he determines to be necessary for the efficient operation of the College. The President may establish temporary positions for a limited period of time to meet the unforeseen and temporary needs of MC.

b. The President may authorize employment in excess of the number of budgeted positions in a particular classification when there is a critical need and when applicants who are unusually well qualified are available, provided the total number of budgeted positions is not exceeded.

4.092 PROCEDURE

a. Types of Positions

Positions shall be identified as permanent, conditional, and temporary.

(1) Permanent Positions. A permanent position is one which has been established by the Board with the anticipation that it will be necessary to maintain the existence of such position indefinitely on a continuous year-round or academic year basis.

(2) Temporary Positions. A temporary position is one, not continuous in nature, which may be established by the President on the recommendation of the Director of Personnel with the approval of the account manager. It shall remain in existence only as long as a temporary work situation requires it. Such position shall be abolished automatically by the President when the temporary work requirement no longer exists.

(3) Conditional Positions. A conditional position is one established by the Board for the period of time that monies are available in whole or in part by the United States Government, a private organization, a foundation, a revenue-producing source (cafeteria and bookstore), or an individual for use in special research or other long-term projects. This position shall be automatically abolished when no longer

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2/ Hereinafter referred to as "the Board."

needed or when funds are no longer made available.

b. Establishment of Positions

(1) During Budget Preparation

Positions may be proposed during the preparation of the budget through the recommendation of an appropriate official to the Director of Personnel and subsequent approval by the President, or by the President upon his own initiative. In either case, approval of the Board is required for final establishment of the position.

(2) After Budget Adoption

Appropriate forms requesting a new position which was not budgeted must be originated by the appropriate official and approved by the Director of Personnel and the Dean of Administration prior to submission to the President. When in the judgement of the President, it is necessary for an official to employ a person on an extra-help basis in a type of position for which there is no classification provided in the classification plan, the President, on recommendation of the Dean of Administration, shall fix the amount of compensation, shall determine the minimum qualifications for the additional employee, and shall limit the period of time the position may be allowed.

c. Abolishment of Position

(1) Notice to Employee

When a proposed abolishment of a position necessitates the dismissal or demotion of a permanent-status employee, he shall be notified in writing by the Director of Personnel two weeks in advance of Board action. He shall be informed that if he wishes to do so he may present reasons against the action to the Dean of Administration. (Revised by President, 10/25/71)

(2) Placement Consideration for Employees

Each satisfactory permanent-status employee who has been adversely affected by a reclassification shall be given first consideration for other positions for which he is qualified and in which vacancies exist.

(3) Decision on Salary Assignment

Determination of a salary assignment in the case of a downgrading reclassification or transfer of an employee whose position has been abolished shall be made by the Director of Personnel. (Approved by President, 10/25/71)

4.10 POSITION CLASSIFICATION PLAN

4.101 Policy

The President shall classify all positions of MC and recommend the adoption of the classifications to the Board. The President shall recommend to the Board for adoption new classifications and the reassignment of a classification from one pay grade to another. The classification title of a position shall be used in all official personnel and budget records and transactions.

4.102 Procedure

a. Criteria for Classification of Positions

Assignment of a position to a classification shall be determined by the duties and responsibilities of the position, based on the principle that all positions shall be included in the same classification if they are:

(1) Sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used.

(2) Substantially the same standards as to education and experience are required of applicants.

(3) Substantially the same tests of knowledge and ability are used in selecting qualified appointees.

(4) The same salary range can be made to apply with equity to all of the positions in the class.

b. Reclassification

(1) A request for a study for reclassification may be made to the Director of Personnel by an employee's supervisor or the employee. The Director of Personnel, after consultation with the appropriate officail, may initiate a study of existing classifications. The criteria for classification of positions will be applied to determine whether:

(a) No change should be made in the classification of the position; or

(b) The position should be reclassified to a more appropriate class in the existing classification and pay plan; or

(c) A new classification should be established to which the position would be assigned; or

(d) No change be made in the classification of the position, but that the position classification be assigned a higher or lower pay grade.

(2) Any personnel recommendation which requires the establishment, division, combination, or abolishment of existing classes or the reassignment of a classification to another pay grade shall be submitted by the President to the Board for action during July, November and March of each year.

4.11 STAFF REVIEW BOARD (Approved by Staff Review Board, 4/15/71) (Revised by President, 10/25/71)

a. A Staff Review Board is appointed by the President and is comprised of the Dean of Administration, the Dean of Education, the campus deans, the Director of Personnel, and the Chairman of the Staff Senate. The Review Board will consider all requests for establishing and abolishing position classifications, reclassification of positions, transfer of positions between organizational units or offices and all recommendations for outstanding services awards as discussed in section 4.263b. The Review Board also will consider changes to college policies and procedures relating to staff employees.

b. Matters to be considered are first directed to the Director of Personnel for review and development of materials for consideration by the Review Board. Where appropriate the Staff Senate is involved in this process in accordance with section 4.07. The Review Board will make its recommendations to the Dean of Administration. The President has delegated to the Dean of Administration the approval authority for reclassification of positions, inter-organizational unit transfer of positions, and outstanding service awards. Recommendations pertaining to all other matters will be directed by the Dean of Administration to the President with the recommendation of the Dean. In those cases where the Dean of Administration does not concur in the recommendation of the Review Board, both sides of the issue will be presented to the President for decision. Recommended establishment and abolishment of position classifications, changes in pay grade assignments to classes of positions, and policy changes will be presented to the Board of Trustees by the President.

4.12 PAY PLAN

4.121 POLICY

The President shall recommend to the Board for action a staff pay schedule and shall assign all classifications to the schedule. The President shall establish procedures for placement and movement of employees on the salary schedule, for payment for overtime work, and for recognizing length of service.

4.122 PROCEDURES

a. Current Classifications

The currently approved assignment of grade classifications to the pay schedule is maintained in the Personnel Office.

b. Revising the Classifications and Pay Schedule

The Director of Personnel shall collect data on existing rates of pay and pay practices in the local area, changes in cost-of-living indices, and other factors which should be taken into account. On the basis of such data, a recommendation shall be made to the President for Board approval

4.122

of those changes deemed necessary in the staff pay schedule, pay practices, and placement of classifications on the pay schedule.

c. Placement on the Salary Schedule

Employees are placed on the salary schedule dependent upon the type of appointment which they are granted. (See paragraphs 4.162 f and g)

d. Movement on the Salary Schedule

(1) Processing Recommendations

Movement on the salary schedule or the granting of salary increments, are normally the result of recommendations submitted on an individual employee. Salary increment recommendations must be in writing and shall be submitted to the Director of Personnel via the appropriate campus dean, or the Dean of Administration for the central administrative staff employees, at least 15 days before the recommended effective date. Such recommendation shall be made by the appropriate official, shall contain a certification that the employee's work record is or is not satisfactory, and shall include a statement that the granting of a salary increment is or is not recommended. Authorization for appropriate action will be made by the Director of Personnel after review of recommendations.

(2) Eligibility for Salary Increment Awards

A permanent or conditional employee and a temporary employee filling a permanent position on a military-temporary appointment shall be eligible to be considered each year for a one step salary increment award. Such salary increments may be awarded annually until an employee reaches the top pay step (not including longevity) of the pay grade to which his position is assigned. Salary increments are limited to one pay step annually and, as they must be earned by satisfactory performance of work, an employee cannot be granted a salary increment automatically or solely on the basis of length of service. In unusual circumstances, the Director of Personnel may approve the award of not more than a full pay step salary increment annually to other temporary employees filling permanent positions. (Revised by President, 10/25/71)

(3) Temporary Service Credits for Salary Increment

A full-time temporary employee appointed to a permanent position without a break in service shall be entitled to be credited with that amount of service credit for a salary increment.

(4) Salary Increment While in Probationary Status

An eligible employee may recieve a salary increment while on probation. However, if an employee becomes eligible for a salary increment during a probationary period which

has been extended for cause, he may not receive a salary increment until he is approved for permanent status. Upon satisfactory completion of the extended probationary period, the effective date of the employee's permanent status will become the salary increment date. An employee who has been assigned a probationary period of more than one year may receive an increment, even though he has not yet earned permanent status, provided his work record up to that time warrants advancement.

(5) Salary Increment Dates (Approved by the President, July 22, 1972)

Increment dates will be the anniversary of the date of initial employment. The effective date of a salary increment is the first day of the first pay period following the pay period in which the employee's increment date falls. Should an adverse action be taken such as the extension of the probabionary period for cause, the salary increment date will be reestablished. A temporary employee who is assigned as a permanent employee without a break in service shall have his increment date determined by the date of his employment as a temporary employee. An employee on an extended military leave shall be assigned an increment date determined by the date of employment.

(6) Reassignment of Salary Increment Date

A new salary increment date shall be assigned under the following circumstances:

(a) When an employee's probationary period has been extended for cause, his salary increment date will be extended an equal amount of time. He may not receive a salary increment until approved for permanent status.

(b) When an employee has been on authorized leave without pay for a period exceeding two calendar months (excluding leave for military service, disability, or self-improvement), the salary increment date shall be adjusted in accordance with the number of months the employee is on approved leave.

(7) Delayed Salary Increment

An appropriate official may recommend that an employee's increment be delayed if he believes that the employee's performance has been substandard. In such cases he shall submit in writing to the Director of Personnel his reasons for the delay and a recommendation as to the period of time the salary increment award should be delayed. Approval of the appropriate campus dean, or the Dean of Administration, and the Director of Personnel shall be necessary before such action is taken. The Director of Personnel shall report in writing to the President in July of each year a summary of all actions taken during the previous fiscal year regarding each delayed salary increment requested and/or approved. (Approved by Supporting Services Review Board, April 15, 1971)

(8) Notification of Salary Increment Delay

In all cases of salary increment delay, the affected employee shall be notified in writing at least two weeks in advance of the increment date by the Director of Personnel of the reasons for the action. He shall be informed that he may register a grievance if he wishes to do so. The affected permanent or conditional employee must request a hearing in accordance with the grievance procedure within five days of recipt of notification of the action; otherwise, his salary increment will be delayed. (See paragraph 4.302)

(9) Special Within-Grade Advancement

The Director of Personnel may recommend to the Dean of Administration that employees of a particular classification be given a special within-grade advancement in special or emergency situations. Detailed supporting evidence will be supplied by the Director of Personnel and other appropriate officials. (Revised by President, 10/25/71)

e. Overtime Work

(1) Compensation for Overtime Work

Overtime is defined as work in excess of 8 hours per day or 40 hours per week. Hours paid for but not worked such as holidays, vacation, and paid leave shall be considered hours worked in the implementation of this policy. The rate of pay for overtime work shall be time and one-half the employee's regular rate of pay. Notwithstanding the foregoing, an employee may work more than 8 hours in one day at his regular rate of pay to make up for hours absent during the same week provided that:

(a) He requests such an arrangement for his own convenience, with the understanding that he will not be paid time and one-half.

(b) His supervisor consents to the arrangement.

(c) A written agreement to the arrangement, signed by the employee and his supervisor be filed with the Director of Personnel before more than 8 hours are worked in one day.

(d) No more than 40 hours are worked in the week.

(2) Approval for Overtime

Permission must be obtained from the Director of Personnel before overtime is worked. In exceptional or emergency circumstances:

(a) The campus deans may permit overtime when it is necessary to protect property or to keep the College in operation.

(b) Campus deans may authorize overtime because of required after-college use of facilities and field trips for which MC will be reimbursed.

The appropriate form should be submitted by the Campus Deans to the Director of Personnel after he has authorized overtime under the circumstances mentioned in (a) and (b) above. (Revised by President, 10/25/71)

f. Longevity Pay

(1) Amount of Longevity Salary Increments

The amount of each longevity salary increment shall be a one-step increase on the Staff pay schedule.

(2) Effective Date

A longevity salary increment shall be effective the first day of the first pay period following completion of the employee's 10th, 14th, and 18th year of creditable service according to his anniversary date.

(3) Computing Creditable Service

Creditable service for computing eligibility for longevity salary increments shall include all permanent and conditional employment with MC, such service with MCPS as is certified by the MCPS Department of Personnel, and such service with the Montgomery County Government as is certified by the County Personnel Officer as qualifying toward longevity under the County Personnel regulations. Creditable MC service shall also include all authorized leave with pay, authorized leave without pay for military service or self-improvement, the period of temporary employment, and the time a permanent employee is on approved disability leave. In computing the sum for such service, no credit shall be given for any month in which an employee was employed fewer than 15 calendar days.

(4) Creditable Service for non-staff employees of MC assigned to a staff position

Whenever a non-staff employee of MC is appointed to a staff position, he shall be granted creditable service for the purpose of computing longevity as a permanent or conditional staff employee for all periods of full-time employment by MC.

g. Night Shift Differential Pay

All staff employees who are employed to work regularly more than 25 hours per week and who are required to work between the hours of 10:00 p.m. and 6:30 a.m. shall receive a premium of 25¢ per hour for all hours actually worked during that period of time. No shift differential shall apply for less than one full hour worked during that period. (Approved by the Board of Trustees, September 25, 1972)

(1) Eligibility for Night Shift Differential Pay

All staff employees who are employed to work regularly more than 25 hours per week and who are required to work one or more hours during the night shift shall be eligible to receive the Night Shift Differential Pay premium.

(2) Approval for Night Shift Differential Pay

Approval must be obtained from the Personnel Office before staff employees are either permanently or temporarily assigned to the night shift. Such approval shall be requested in writing by the appropriate supervisor (or administrator) and shall identify the positions to be assigned to the night shift by position number, and shall be valid for an indefinite period of time in the case of permanent assignment and for a specified period of time in the case of temporary assignment. In exceptional or emergency circumstances where it is impossible to obtain such prior approval, approval after the fact must be obtained at the first available opportunity.

(3) Reporting Hours Worked on the Night Shift

Supervisors of employees assigned to the night shift are responsible for maintaining adequate documentation of all the hours worked by such employees and for accurately reporting such hours of work for pay purposes.

(4) Time of Implementation

Implementation of Night Shift Differential Pay is authorized for July 1, 1973, or sooner, if funds should become available for this purpose during FY1973.

4.14 NON-DISCRIMINATION POLICY

4.141 Policy

Discrimination on the basis of sex, race, or creed is prohibited in employment practices and in the administration of all other personnel actions.

4.142 Procedure

Any person having information concerning a violation of this policy shall file said information in writing with the President. Upon receipt of said information, the President shall cause an investigation to be conducted to determine whether the non-discrimination policy has been violated. If the President determines there has been a violation of this policy, he shall take whatever remedial action he may deem necessary and appropriate.

4.16 EMPLOYMENT PROCEDURES

4.161 Policy

The President shall make provision for the receipt of applications on a non-discriminatory basis and shall establish an eligibility file. He shall recommend the best qualified applicants for appointment by the Board.

4.162 Procedure

a. Method of Application

Each applicant shall submit an approved application form to the Director of Personnel. Although a vacancy may not exist, an application is also accepted for the purpose of establishing an eligibility file. Applications and related material shall be considered the property of MC.

b. References

References are required to determine tne reputation, competence, honesty, stability, and dependability of each applicant. The Director of Personnel may recommend disqualification of an individual before or after appointment who does not possess a satisfactory record.

c. Employee Identification

Identification Cards

An identification card is given to each employee. The identification card contains the picture of the individual, means of identifying the individual, and the signature of the individual. A second identification card is placed in the

personnel file of each employee. No employee should report to work before receiving his identification card. Employees who resign must return their identification card to the Director of Personnel. The final salary check will be withheld until the card is received.

d. Review of Applications

Each application shall be reviewed by the Director of Personnel and a decision will be made regarding eligibility for employment.

e. Causes for Rejection of an Applicant for Employment

Any of the following may be deemed sufficient cause for rejection of an applicant for employment:

(1) Lack of specified minimum qualification requirements.

(2) Making false or incomplete statement on the application.

(3) Lack of physical, mental, or personal requisites deemed necessary for the effective performance of the duties and responsibilities of a position.

(4) Illegal use of narcotics or the excessive use of alcoholic beverages.

(5) Civil or criminal record.

(6) Record of dismissal or resignation not in good standing from the MCPS or MC.

(7) Discharge or release from the military service under conditions other than honorable.

(8) Failure to make and complete application on standard application form.

(9) Such other causes and reasons as deemed sufficient by the President.

f. Regular Appointments

Regular appointments, as contrasted to trainee status appointments, involve applicants who are considered fully qualified for the position for which they are applying. Regular appointments involve permanent, conditional, or temporary employees. Employees so appointed will be placed on the salary schedule in accordance with the responsibilities of the job to which they are being appointed and their own abilities.

(1) Permanent or Conditional Employees

The Director of Personnel shall recommend the best qualified applicant to the President for appointment by the Board to a permanent or conditional position. More than one person may be appointed to a position; however, the total number of hours may not exceed the number established for the position. Part-time employment may be rescinded whenever a full-time qualified applicant is available for appointment to the position on a full-time year-round or academic year basis.

(2) Temporary Employees

An applicant may be assigned, as a temporary employee, to a temporary position or to a permanent or conditional position when the position cannot be filled by a permanent or conditional employee, or if the position is temporarily vacated by an authorized absence. Other persons working under special Board projects for which monies but not positions were allocated are also considered to be temporary employees.

(3) Substitute Employees

Substitute employees are assigned according to the needs of MC. They are paid for hours worked but are not eligible for other employee benefits.

g. Trainee Status Appointments

When it is considered in the best interest of MC, a permanent position may be filled by an applicant who does not possess all of the qualifications as described in the class specification. An individual so appointed will be identified as being in a trainee status. He will hold a trainee status appointment until he has satisfactorily completed a prescribed training program and it has been determined by the appropriate official and the Director of Personnel that he meets the qualifications described in the class specification. The length and content of the training program will be determined at the time of appointment. Alterations in the training program must be approved by the Director of Personnel.

(1) Trainee Appointments

A trainee appointee will have all the rights and privileges of other staff personnel except that he shall not hold permanent status while a trainee.

(2) Salary Assignment of Trainees and Length of Training Program

The length of the training period and the pay grade to which the trainee is assigned will depend on the nature of the job and the degree of training and job experience that the applicant possesses at the time of employment.

(3) Permanent Appointment

Upon satisfactory completion of the training program, the incumbent will be granted a regular appointment to a permanent position. He shall then serve the normal probationary period required and upon successful completion will hold permanent status.

(4) Early Promotion

In instances of exceptionally rapid growth in competence, a trainee may become eligible for promotion prior to the completion of his training program. For pertinent procedures refer to Section 4.283c.

4.18 PHYSICAL EXAMINATIONS

4.181 POLICY

Each person appointed to a position is to be free from disabling ailments or defects which would disqualify him for the position for which he is applying and must be of sufficient health and vigor to perform the duties and responsibilities of the position to which he is appointed. The President shall determine the health and physical requirements for applicants and employees in each classification.

4.182 PROCEDURE

a. All employees are required to submit certain evidence of freedom from active tuberculosis. See paragraph 7.90 for details.

b. Whenever it appears that an MC employee has a physical or mental condition which adversely affects his competence or the well-being of either the public or other employees, or causes him to be absent excessively, the Director of Personnel may require him to discontinue work immediately or to be examined by the County Health Officer or a duly licensed physician, who shall report his findings to the Dean of Administration. An employee who is required to discontinue work may not return to work until authorized by the Director of Personnel. The status of such employee during this period shall be determined by the Director of Personnel. (Revised by President 10/25/71)

4.20 EXAMINATION, RATINGS, AND ELIGIBLE LISTS

4.201 **POLICY**

The President shall establish a comprehensive program of examinations for all MC staff positions and procedures for the implementation of such program. Entrance and promotional examinations shall be competitive, free, and open to all eligible persons.

4.202 **PROCEDURE**

a. Examination Program

(1) Composition of Examination

The Director of Personnel shall determine the composition and scope of all examinations with the approval of the Dean of Administration and after consultation with the appropriate officials to determine the content, concepts, and standards. Examinations may consist of oral, written, and/or job performance tests or any other examination method deemed necessary to determine the relative abilities of the examinees to perform the duties and responsibilities of the position for which the examination is being given.

(2) Examination Schedules

Examinations shall be conducted on a continuous basis. Applicants or employees may be given examinations individually or in groups.

(3) • Safeguarding Confidential Content of Examinations

The Director of Personnel shall take reasonable precautions to safeguard the content of examinations. Information therein may not be released without specific authorization of the President.

(4) Invalidating Examinations

The Director of Personnel may invalidate an examination, in whole or in part, at any time, if he determines that there has been any irregularity in any phase of the examination process. This action may disqualify the examinee.

b. **Rating Examinees**

A numerical rating system or other appropriate rating system may be used to rate examinees.

c. **Eligibility Files**

(1) **Establishment of Eligibility Files.**

Ratings of examinees who pass examinations for a position shall be placed in the eligibility files established for that position. Eligibility files shall be maintained by the Director of Personnel reflect accurately the employee's relative standing. All lists shall be considered the property of Montgomery College.

(2) Duration of Eligibility Files

Names remain in the eligibility files for a period of one year. However, because of unusual circumstances, eligibility files may be abolished prior to or extended beyond that date by the Director of Personnel.

(3) Use of Eligibility Files

Whenever an existing position becomes vacant, the Director of Personnel shall assign the best qualified eligible applicant to the position.

4.22 EVALUATION

4.221 POLICY

The President shall establish employee performance evaluation procedures. The purpose of performance evaluations shall be to stimulate improvement of employee services and the ratings shall be a determining factor in personnel actions.

4.222 PURPOSE OF EVALUATION CONFERENCE

An evaluation conference shall be held annually, or more frequently if needed, to provide motivation for self improvement, thereby gaining greater effectiveness of the employee's service. In addition, the ratings of the performance evaluation shall be used in considering employee salary increment, promotion, demotion, transfer, dismissal, and advancement within grade as well as for other appropriate action.

4.223 NOTIFICATION

The Director of Personnel will notify the employee's supervisor of the required evaluation conference to be scheduled. The notification will indicate the purpose of the evaluation, i.e., permanent status, annual performance.

4.224 PRE-EVALUATION CONFERENCE

a. At the beginning of the employee's service, the immediate supervisor should hold a conference to orient the employee to his new work assignment and explain when, how, and why the employee will be evaluated. Standards of work and personal traits as related to work should be used as a basis for discussion. The current position description should serve as a guideline throughout such a conference.
(Approved by Supporting Services Review Board 4/15/71)

b. When there is evidence that the employee will need to improve before he is given permanent status, before a salary increment will be recommended, or before other action will be taken, more than one pre-evaluation conference must be held. The supervisor should make a written record of the conference and a copy should be given to the employee. In all such cases, a pre-evaluation conference shall be held at least three months before a final determination must be made concerning an employee's status or eligibility for a salary increment. At that time an employee shall be given specific suggestions for continued improvement.

4.225 EVALUATION CONFERENCE

a. Evaluation conferences should be scheduled so that the employee will be given sufficient notice of the appointed time. The employee and the immediate supervisor will participate in the evaluation conference.

b. The evaluators should take this opportunity to discuss areas of strengths and needed improvements, and to identify changes that may need to be made in the employee's position description. (Approved by Supporting Services Review Board, April 15, 1971)

c. The evaluators shall make comments and recommendations and shall be responsible for obtaining the signature of the employee. If the employee does not concur with any part of the evaluation, he may attach his comments to the evaluation form.

d. Personnel action requiring an evaluation may be determined by the report of the last evaluation conference if one was held within three months of the date of the proposed action. In such case, only the recommendation section of the evaluation form which was forwarded by the Director of Personnel will be completed. The signature of the employee and the evaluations are required.

e. The appropriate campus dean will review and sign evaluations for employees assigned to his campus. The Dean of Administration will review and sign evaluations for employees assigned to the central administrative staff.

4.24 PROBATION AND PERMANENT STATUS

4.241 POLICY

The President shall make provisions that allow an employee to attain permanent status after demonstrating competency.

4.242 PROBATION

a. Length of Probationary Period

The normal probationary period shall be six months. When the Director of Personnel deems it necessary, he may assign longer probationary periods. (Approved by President, 10/25/71)

b. Miscellaneous Provisions

A probationary employee filling a permanent or conditional position shall become eligible for consideration for permanent status upon satisfactory completion of the probationary period. A probationary employee is subject to personnel action (i.e., transfer, lay-off, dismissal, and other personnel action). A probationary promoted employee who has permanent status in his former position may be returned to his former status without the right of appeal.

c. Extension of Probationary Period for New or Promoted Employees

If the appropriate official is not satisfied that a probationary employees work record is sufficiently satisfactory to warrant his recommending that the employee be granted permanent status, he may recommend extension of that employee's probationary period for a specified period of time, not exceeding six months. This recommendation shall be in writing, shall be submitted to the Director of Personnel at least 15 days prior to the date the employee is eligible for permanent status, and must contain the reasons for recommending the extension. After review and approval of the recommendation by appropriate campus dean or the Dean of Administration, and the Director of Personnel, the employee shall be notified in writing of the extension of the probationary period in advance of the effective date of extension.

d. Separation During Probationary Period of New Employees

(1) If at any time during a probationary period an appropriate official determines that a probationary employee's work record is unsatisfactory, he may recommend to the Director of Personnel that the employee be dismissed. Such recommendation shall be in writing and must include the reasons for the recommendation. he shall so notify the employee in writing at least two weeks in advance of the effective date of dismissal. Such notification shall inform the employee of the reasons for the dismissal and of his right to appeal.

(2) The employee who has been recommended for dismissal may appeal the decision within 5 days of receipt of such notification, otherwise the dismissal shall become final. Such appeal shall be made in writing to the Personnel Officer and shall state specific reasons why the dismissal action should be reversed. The Director of Personnel shall submit the appeal along with all other materials pertinent to the action for dismissal to the Dean of Administration for review and final decision. The appellant may request a hearing by the Dean of Administration. The decision of the Dean of Administration shall be final and he shall notify the appellant of such decision in writing within 10 days of receipt of the appeal by the Director of Personnel. In the event of dismissal the employee shall receive such notice two weeks in advance of the effective date of dismissal.

(3) In the event the Director of Personnel does not approve the recommendation for dismissal, the supervisor recommending dismissal may appeal the matter to an ad hoc panel of three college employees to be appointed by the Staff Review Board.

e. Probationary Period of Promoted Permanent-Status Permanent Employees

Upon satisfactory completion of his probationary period, a permanent-status permanent employee may be awarded permanent status in the position to which he has been promoted. The same procedures provided for granting permanent status as a permanent employee shall be used. The effective date shall be the date on which a promoted employee satisfactorily completes the probationary period.

f. Probationary Period of Promoted Probationary-Status Employee

A probationary-status employee shall be required to serve at least a six-month probationary period in amy permanent position to which he may be promoted. Such probationary period may run concurrently with his probationary period in the original position.

4.243 PERMANENT STATUS

a. Effective Date of Permanent Status

The effective date of permanent status shall be at the satisfactory completion of an employee's probationary period.

b. Special Credits

A temporary employee filling a temporary or a permanent position and appointed to a permanent or conditional

position without a break in service shall be entitled to be credited with that amount of service credit toward permanent status.

c. Transfer of a Probationary-Status Permanent Employee

Each probationary-status permanent employee who is transferred from one permanent position to another permanent position of like responsibility shall retain the months he has satisfactorily served in his former position for credit towards earning permanent status as a permanent employee and for the award of a salary increment. If the prior service has not been satisfactory, he may be assigned a new probationary period and a new salary increment date.

d. Recommending Permanent Status

A permanent status recommendation must be in writing and shall be submitted to the Director of Personnel at least 15 days before the recommended effective date. Such recommendation shall be made by the appropriate official and shall contain a certification that the employee's work record is at least satisfactory and a statement that the granting of permanent status is recommended.

4.244 STATUS OF INCUMBENT OF RECLASSIFIED POSITION

The incumbent of a reclassified position shall retain the status he has in that position at the time it is reclassified.

4.245 TRANSFER OF A PERMANENT-STATUS PERMANENT EMPLOYEE

Each permanent-status permanent employee who is transferred from one permanent position to another permanent position shall retain the months he has satisfactorily served in his former position for credit towards the award of a salary increment or longevity salary increment.

4.246 LOSS OF PERMANENT STATUS

Each staff employee who leaves the service of Montgomery College shall be considered a probationary employee when he is re-employed.

4.247 STATUS OF EMPLOYEE TRANSFERRING FROM ONE TYPE OF STAFF POSITION TO ANOTHER

A permanent-status employee transferring to a temporary position shall automatically forfeit his permanent status as an employee. A temporary employee transferring or being promoted as a probationary employee to a permanent position shall be required to serve the probationary period of that position before he can become eligible to earn permanent status.

4.248 RECREDITING OF FORMER SERVICE CREDITS

A former employee, upon reappointment to a permanent or conditional position in the same classification, may be granted full credit for years of service with MC in determining placement on the salary schedule, provided he completed five or more years of satisfactory service at MC and is re-employed within three years of the termination of his employment.

4.26 HONORS AND AWARDS PROGRAMS

4.261 POLICY

The President shall provide for suitable programs to recognize employees who bring honor to MC or to themselves as well as incentive programs which recognize and encourage excellent performance of duties.

4.262 PROCEDURE FOR LENGTH OF SERVICE HONOR-AWARD PROGRAM

a. Eligibility

Employees with 15 or more years of creditable service shall be recognized for their length of service. Creditable service shall be determined in the same manner that longevity pay is determined for permanent and conditional employees.

b. Awards

Awards will be made upon completion of 15, 25, and 35 years of creditable service with MC.

c. Emblem and Certificate Awards

The emblem awarded shall be a pin designed to indicate the MC symbol and the number of years of service being recognized. The Length of Service Award will be made to eligible employees by the President during an appropriate program. A certificate shall also be awarded indicating the number of years of service.

4.263 PROCEDURE FOR GRANTING OUTSTANDING SERVICE AWARD

a. Eligibility

An employee who performs the duties and responsibilities of his position in a sustained, outstanding manner and whose work is continuously well above expectations shall be eligible to be considered for advancement one or more steps within his grade or for other awards.

b. Awards

When an outstanding service increment award is recommended, it shall be ordinarily limited to one step on the salary schedule and shall be granted only in recognition of sustained outstanding service rendered MC. Other types of

outstanding service awards which may be granted include certificates and/or cash.

c. Procedures for Recommending an Outstanding Service Award

When an appropriate official believes that an employee under his supervision has qualified for consideration for an outstanding service award, he may recommend the employee for an award. The recommendation must be in writing, must contain specific examples of the outstanding work, and must be submitted to the Director of Personnel for transmittal to the Staff Review Board.

d. Staff Review Board

The Staff Review Board (see paragraph 4.11) shall review nominations and recommend outstanding service or other incentive awards according to the information submitted. Such awards (and reasons therefor) shall be made a part of the employee's personnel file. Nominations for awards shall be reviewed in July, November and March, or more frequently, if needed. (Approved by President, 10/25/71)

e. Procedure for Recognizing Acts of Heroism

In recognition of an exceptional act or an act of heroism, an employee will be honored in a public ceremony. He may be granted an advancement of one or more steps within his pay grade which will not affect the employee's increment date, or he may be given a cash award. A certificate recognizing the act of honor will also be awarded.

f. Other Recognition

Employees should report to the Director of Personnel any persons they consider worthy of recognition. The honor received will be publicized in appropriate MC publications.

4.28 PERSONNEL ACTIONS

4.281 POLICY

The Board recognizes the necessity for certain personnel actions which support the principle of career employment. The President shall make provisions and prescribe procedures for such actions as transfer, promotion, demotion, resignation, retirement, reduction in force, suspension, and dismissal.

4.282 TRANSFER PROCEDURES

a. Definition

Transfer is the movement of an employee from one position to another within the same classification.

b. Status of Transferred Employee

An employee who meets minimum qualifications established for a position of the same classification may be transferred with or without his consent, except that transfer to a temporary position requires the consent of a permanent employee. A transfer to a permanent or conditional position shall not change the status (probational or permanent) which the employee holds.

c. Rights of Transferred Probationary-Status Employee

A probationary-status employee or a temporary employee shall have no rights to his former position if he fails to perform satisfactorily the duties and responsibilities of his new position or if he wishes to be transferred back to his former position. However, every effort will be made for proper adjudication of the problem.

d. Rights of Transferred Permanent-Status Employee

A permanent-status employee, if he fails to perform satisfactorily the duties and responsibilities of the position to which he was transferred (except for reasons of misconduct), may be permitted to transfer back to his former position or comparable position if a vacancy exists. If no vacancy exists, every effort will be made to place him in his former position or a comparable position when an opening occurs. If he requests a hearing, the employee may not be separated from MC service prior to a hearing before the Dean of Administration. (Approved by President, 10/25/71)

4.283 PROCEDURES FOR PROMOTION

a. Definition

Promotion is the movement of an employee from one classification to another classification with more responsibility at a higher pay grade.

b. Promotional Policies and Procedures and Eligibility for Promotion

Each employee who meets the promotional requirements established by the President for a position may be deemed eligible for consideration for promotion. After the employee files a promotion request for review by the Director of Personnel the employee is scheduled for a promotional examination - either written, oral, or both. If the employee is determined to be qualified, his application is placed in the eligible file. As promotional vacancies occur, the best qualified promotional applicants will be referred from the eligible file. If the appropriate supervisor does not wish to select the referred applicant, he must submit in writing in detail, to the Director of Personnel, his reason(s) for rejecting the applicant. If satisfactory reasons for rejecting

are made, an additional promotional referral may be made by the Director of Personnel.

c. Promotion of an Incumbent in a Trainee Status

In cases where an employee who is not fully qualified for his position in terms of education, training and experience, is occupying that position in a trainee status at a lower grade level than the established grade for the position, the employee may be considered for promotion to that established grade level upon completion of at least one year's experience as a trainee in that position. In such cases the appropriate supervisor will be required to demonstrate to the Director of Personnel that the employee has been performing the tasks of the assigned position in a manner comparable to that of fully qualified incumbents of like positions. A promotion under these circumstances which involves an advancement of more than three pay grades requires the approval of the Supporting Services Review Board.

d. Promotion of an Incumbent in a Position which has been Reclassified

An employee who is an incumbent in a position which has been reclassified shall be given first consideration for promotion to the reclassified position on a non-competitive basis. If the employee does not meet the new qualification requirements or does not otherwise qualify for promotion, the appropriate supervisor may recommend retention of the incumbent in the reclassified position in a trainee status or he may request that the employee be transferred to a different position.

e. Salary Step of a Promoted Employee

An employee who is promoted from a lower grade to a higher grade ordinarily shall be placed on the lowest step thereof of the new grade paying a salary which is approximately 5 percent greater than the salary he is receiving at the time he is promoted. However, when there is an increase upon promotion of three or more pay grades, an employee shall be placed on the lowest step of the new grade which will assure at least a 10 percent increase in pay. A placement which differs from this procedure requires the approval of the Dean of Administration. (Revised by President, 10/25/71)

f. Longevity Pay of a Promoted Employee

Longevity pay shall not be used in determining the basic salary step to which a promoted employee will be assigned. The longevity pay an employee is receiving at the time he is promoted will be adjusted to be effective on the same date the employee's promotion is to be effective.

g. Effective Date of Promotions

The effective date of any promotion shall be the date on which an employee is assigned his new position.

4.284 PROCEDURES FOR DEMOTION AND VOLUNTARY REASSIGNMENT

a. Definition

Demotion is the movement of an employee from one grade to a lower grade. The purpose of demotion may be to match the skills and/or abilities of an employee with those required by a classification, to provide placement for an employee when a position is being abolished, or to provide disciplinary action.

b. Employees Subject to Demotion

Any employee who does not satisfactorily perform the duties and responsibilities of his position, who fails to obey duly authorized directions of his supervisor, or who acts in a manner deemed not in the best interest of MC service shall be subject to demotion.

c. Demotion Procedures

An appropriate official may, when he considers such action to be necessary, recommend that an employee be demoted. Such demotion recommendation shall be in writing, shall state the reasons for such recommendation, and must be submitted to and approved by the Director of Personnel.

d. Notification of Demotion

Any employee who has been demoted shall be notified in writing by the Director of Personnel at least two weeks in advance of the effective date. Such written notification shall state the reasons for the demotion.

e. Appeals from Demotion

A permanent-status permanent employee who has been demoted must request a hearing before the Dean of Administration within five days of the receipt of the notification of the action; otherwise his demotion shall become final without action by the Dean of Administration. (Revised by President, 10/25/71)

f. Demotion of Probationary-Status Employee

A probationary-status employee does not have the right to appeal. A permanent employee who has permanent status as an employee but who is in a probationary status in his present position as a result of a promotion shall be informed in his notification of demotion that he does not have the right to appeal if he is demoted to his former position, grade, and salary step. A permanent-status permanent

employee who is in probationary status in his present position as the result of promotion shall have the same appeal privilege as a permanent-status employee in that position if his demotion would result in his being placed in a different type of position with a lower grade or salary than the position he was filling at the time he was originally promoted.

g. Decision on Demotion Appeals

Whenever an employee appeals a demotion, the Dean of Administration shall be informed of the reasons for the demotion by the Director of Personnel. The Dean of Administration shall grant a hearing on all demotion appeals, and his decision on demotion shall be final. (Revised by President 10/25/71)

h. Procedures for Voluntary Reassignment to a Lower Grade Position

An employee may be continued in his position without a reduction in salary, whenever it is reclassified to a lower grade. An employee may be reassigned with or without reduction in his salary whenever he requests a reassignment to another position of a lower pay grade or whenever his position is abolished and there is no other vacant position in the same or higher grade for which he may be qualified.

4.285 PROCEDURES FOR RESIGNATION

a. Definition

Resignation is the separation of an employee from the MC service through the submittal of a notice that he wishes to resign.

b. Resignation in Good Standing

An employee who wishes to resign in good standing shall give his immediate supervisor and the Director of Personnel written notice at least two weeks prior to his last duty day. The Director of Personnel may agree to a shorter period of time in unusual circumstances.

c. Status of Leave Credits on Resignation

1. An employee who leaves the MC service receives a termination pay provided under procedures for disposition of sick and annual leave credits.

2. An employee who leaves the MC or MCPS service and is employed without a break in service by MC or MCPS shall have his accrued sick and annual leave balance transferred to MCPS or MC.

d. Resignation Not in Good Standing

An employee who does not submit his resignation in compliance with the provisions of these regulations or whose resignation is not approved in good standing shall be considered as having resigned not in good standing .

e. Resignation Without Notice and Not in Good Standing

An employee who is absent from work for a period of three days or more without notifying his immediate supervisor, the Director of Personnel, or other appropriate official, of the reasons for his absence shall be considered as having resigned without notice and not in good standing, provided that the failure to contact the appropriate official was not caused by unavoidable circumstances.

The same rule shall apply when an employee fails to return to work within three days of the expiration of authorized leave.

f. Penalty for Not Resigning in Good Standing

An employee who leaves the College's service without resigning in good standing may be deprived of the opportunity to be considered eligible for reemployment and may be denied a satisfactory reference.

g. Resignation Form and Procedure

An employee who is resigning shall submit his resignation in writing as prescribed by the Director of Personnel, on the appropriate form. Resignation notices should include the date the resignation is submitted, the effective date of the resignation, and the reason for resigning.

h. Reemployment Recommendation of Appropriate Officials

The appropriate official shall indicate his approval or disapproval of reemployment of a resigning employee. The resignation notice shall then be forwarded to the Director of Personnel.

i. Request for Review of Resignation Not in Good Standing

A permanent-status employee whose resignation has not been accepted in good standing may request an appeal thereon before the Dean of Administration. Such request for an appeal must be submitted within five days of receipt of notification of the acceptance of his resignation not in good standing, and it shall contain the reasons why the employee believes his resignation should have been accepted in good standing. Resignations not appealed within five days shall become final without action of the Dean of Administration. (Revised by President, 10/25/71)

4.286 RETIREMENT

a. All staff employees covered under the Maryland State Teachers' Retirement System, Employees' Retirement System of the State of Maryland, and/or the Montgomery Community College Retirement Plan, shall be eligible for retirement when they have fulfilled the requirements for retirement as specified by the appropriate retirement plan. The Board, upon recommendation of the President, shall act upon request for retirement.

b. All permanent-status staff employees not covered under the Maryland State Teachers' Retirement System or the Employees Retirement System of the State of Maryland, and/or the Montgomery Community College Retirement Plan, but who would otherwise meet the requirements for retirement may request retirement from Montgomery College. The Employees Insurance Benefit Plan provides certain benefits to employees who retire. The Board, upon recommendation of the President, shall act upon requests for retirement.

c. All retired employees are eligible to continue membership in the Employee Benefit Plan.

4.287 REDUCTION IN FORCE

a. Definition

Termination of the employment of a Montgomery College employee may be made when, because of a change in duties or organization, lack of work or lack of funds, it becomes necessary to reduce the number of positions temporarily or to abolish positions.

b. Procedure

(1) The Director of Personnel shall recommend any required reduction in force and report the necessity for termination of employees and the reasons therefor to the President through the Dean of Administration. (Revised by President 10/25/71)

(2) If the President approves this recommendation, the Director of Personnel shall notify the employee(s) by letter, stating the reasons for the reduction in force and indicating the opportunity for reemployment. Each employee so terminated shall be given as much advance notice as possible and in no event, less than two weeks. (Approved by Supporting Services Review Board, April 15, 1971) (Revised by President 10/25/71)

(3) Method of Determining Employees to be Terminated as a Result of Reduction in Force

Although work records and length of service may be considered by the President in determining

which employee(s) shall be terminated because of reduction in force, the chief basis of the decision shall be the relative competence of the employees for the job that remains. Thus, in choosing between two employees, the employee more competent for the job that remains shall be retained.

4.288 SUSPENSION

a. Definition

Suspension is the temporary removal of an employee from the MC service. A suspended employee shall not receive pay, nor shall he be permitted to use or to accrue any privileges or benefits during the suspension period.

b. Employees Subject to Suspension

An employee may be suspended by the Director of Personnel without pay for reasons of investigation, misconduct, negligence, inefficiency, insubordination, disloyalty, repeated unauthorized absences, or other offenses, when alternative personnel actions, (demotion, dismissal, etc.) would not be appropriate. The Dean of Administration is the appellate authority in such cases. (Revised by President 10/25/71)

c. Procedure

(1) The Director of Personnel may suspend an employee for purposes of investigation at any time. Such suspension notice shall be in writing to the employee and shall contain the effective date of suspension. (Revised by President, 10/25/71)

(2) Status of an Exonerated Employee for the Period he was Suspended During an Investigation

Whenever an employee is suspended during an investigation and such employee is subsequently "exonerated," he shall be reinstated without loss of pay and benefits.

(3) Status of Employee Found "Not Guilty" for the Period he was Suspended Pending a Court Decision

Whenever an employee is suspended pending a Court decision and such employee is subsequently found "Not Guilty," he may be reinstated without loss of pay and other benefits.

4.289 DISMISSAL

a. Employees Subject to Dismissal

Any employee may be dismissed for cause when alternative personnel actions would not be sufficient.

b. Causes for Dismissal

Any one of the following shall be deemed sufficient cause for dismissal, though dismissal may be for causes other than those enumerated:

(1) That the employee be incompetent or inefficient in the performance of his duties.

(2) That the employee has been wantonly careless or negligent in the performance of duty.

(3) That the employee has been offensive or brutal in his treatment of students, fellow employees or other persons.

(4) That the employee has some permanent or chronic physical or mental ailment or defect that incapacitates him for the proper performance of his duties.

(5) That the employee has violated an official regulation or order of the Board or failed to obey reasonable directions given by an appropriate official when such violations or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in loss or injury to the Board or to the public.

(6) That the employee has taken for personal use a fee, gift, or other valuable in the course of his work for MC or in connection with it when such is given him by any person in the hope or expectation of receiving preferential treatment.

(7) That the employee has engaged in the illegal use of narcotics, has reported to work under the influence of alcohol, or has imbibed after reporting to work.

(8) That the reputation of MC has been prejudiced by an employee's conduct of his personal affairs, as by his failure to pay just debts or to maintain common ethical and moral standards.

(9) That the employee has been convicted of a criminal offense or of a misdemeanor involving moral turpitude.

(10) That the employee through negligence or willful conduct has caused damage to public property or waste of public supplies.

(11) That the employee has been guilty of using, threatening to use, or attempting to use unethical pressure on any member of the Board or any employee of MC in securing promotion, transfer, leave of absence, increased pay, or other favors.

(12) That the employee is a subversive person or member of a subversive group as defined by law.

(13) That the employee fails to comply with the MC health regulations.

c. Dismissal Procedures

An appropriate official may recommend to the Director of Personnel that an employee be dismissed when such action is deemed to be necessary by virtue of one or more of the causes for dismissal as set forth in paragraph b. immediately preceding. A dismissal recommendation, shall be in writing, shall state the reason(s) for such recommendation, shall bear the endorsement of the appropriate campus dean or central office dean, and must be submitted to the Director of Personnel for review. If the Director of Personnel decides upon dismissal, he notifies the employee of the effective date of dismissal and his right to appeal. (See subparagraph e below) If the Director of Personnel decides that dismissal is not warranted, he may take whatever alternative action he deems most appropriate for the best interest of the College. (Revised by President, 10/25/71)

d. Notification of Dismissal

An employee who is to be dismissed shall be so notified in writing by the Director of Personnel. Such written notification shall state the reason(s) for the dismissal, and shall be given to the affected employee at least two weeks in advance of the effective date of dismissal. (Revised by President, 10/25/71)

e. Appeal from Dismissal

A permanent or conditional employee who has received notification of dismissal may appeal the decision within five days of receipt of the notification of dismissal action, otherwise dismissal shall become final. Such appeal must be made in writing to the Director of Personnel and shall state specific reasons why the dismissal action should be reversed. The Director of Personnel shall submit the appeal along with all other materials pertinent to the dismissal action to an Appeals Panel composed of two deans and a member of the Staff Senate.

None of these three panel members shall be from within the same organizational unit as the appellant and they shall be elected by the Senate to serve on this panel. The Appeals Panel shall hear the appellant's case, conduct whatever investigation it deems necessary, and make its recommendation to the Dean of Administration. If its conclusion is not unanimous, a minority statement shall also be submitted to the Dean. The Dean's decision shall be final and he shall notify the appellant of his decision in writing. The appellant shall receive such notice two weeks in advance of the effective date of such dismissal.

4.30 GRIEVANCES

4.301 POLICY

A uniform procedure will be established for expeditiously handling grievances of all personnel employed by the Board. Every effort should be made to settle such matters in the normal system of supervision and administration. An aggrieved person may contact other designated individuals for advice and assistance and may petition a grievance review without penalty or being placed in jeopardy for this action. Reviews will be conducted by MC employees especially chosen for this purpose. Reports and recommendations will be made to the President.

4.302 PROCEDURE

a. In the event that an employee feels he has a grievance, he should contact his immediate supervisor or administrator or a higher level supervisor or administrator in the normal channels of supervision and administration. Whenever it is possible to reach a satisfactory solution through this means, this procedure should be followed.

b. An employee who feels he has a grievance may, at any time, contact other employees of MC for advice and assistance.

c. If the employee feels a satisfactory solution cannot be or has not been reached, the aggrieved employee or his representative will contact the Director of Personnel to request a grievance review. These procedures are to be discussed and accepted in writing by the aggrieved and the statement becomes a part of the formal record. The review will be conducted by a special committee of five MC employees.

(1) The panel of five shall consist of two people selected by the Director of Personnel, and three representitives selected by the aggrieved. The clerk of the Director of Personnel will be charged with the responsibility of convening the committee, keeping the records, and presiding until a chairman is elected.

(2) All matters pertaining to a hearing shall be considered strictly confidential.

(3) Formal records are to be kept on any and all proceedings of the committee and are to be maintained in the aggrieved individual's personnel records -- such records to be classified confidential.

(4) The committee of five will be called to convene for hearing the aggrieved's summary presentation of his own case no later than three weeks after referral to the Director of Personnel.

(5) This preliminary hearing will be restricted to the aggrieved's oral summary of his case and presentation of any materials he wishes to submit in support of his case. If the grievance has been filed against an individual(s), a written summary of the charges contained in the grievance will be submitted to the individual(s) by the Chairman of the committee of five. Within 10 days after receipt of the written statement, the individual(s) shall appear to discuss the charges with the committee of five at either the committee's request or the individual's request.

(6) The committee of five shall have authority to request individuals for testimony, to review records (provided such personnel records are not classified confidential), and to secure relevant data from the Director of Personnel. No record may be used in the final determination of the case by the committee unless it has been presented to the aggrieved and to the committee of five.

(7) Relevant data, records, or documents should be made available for review by committee members at the beginning of each subsequent hearing.

(8) The committee of five is to function as a unit in conducting necessary investigations. An aggrieved employee, as well as principals in the case, shall have no communications with individual committee members prior to preliminary hearing or during subsequent steps of committee procedure and should be so advised.

(9) Reports and recommendations are to be forwarded to the Director of Personnel in writing for appropriate action except in those cases where the Director of Personnel is the person against whom the grievance is filed. In such cases, the reports and recommendations should be forwarded in writing to the Dean of Administration for appropriate action with one copy to be sent to the Director of Personnel. These reports must be signed in final form by the aggrieved and by each member of the committee. If there are dissenting opinions, a minority report must also be made.

(10) One copy of the recommendation is to be forwarded to each of the following:

(1) The aggrieved

(2) The individual(s) against whom the grievance was filed

d. Any employee who has followed one or more of the above procedures and whose grievance remains unresolved may make a final appeal to the President.

4.35 CONFLICT OF INTEREST

The policies of the Board of Trustees governing conflict of interest are applicable to all employees of the College. These policies are enumerated in paragraph 3.28.

4.45 EDUCATIONAL ASSISTANCE PLAN (Refer to Paragraph 3.60)

4.47 RETIREMENT SYSTEMS

A description of the retirement systems to which supporting services employees may belong is contained in paragraph 3.55.

4.50 DEFINITION OF TERMS USED

a. Permanent Employee: One who has completed the designated period of probation and is granted permanent status in a permanent or conditional position.

b. Temporary Employee: One who is employed for a limited period of time.

c. Conditional Employee: One who is assigned to a supporting services position established for the period of time that monies are made available in whole or in part for use in special research or other long-term projects by the United States Government, a private organization, a foundation, a revenue-producing source (e.g., cafeteria, book store) or an individual.

d. Substitute Employee: One who is employed in a permanent, temporary, or conditional position during absences of the incumbent.

e. Salary Increment: A one-step pay increase which shall be granted annually for satisfactory service.

f. Creditable Service: All permanent and conditional employment and temporary employment when followed within 30 duty days by appointment to a permanent or conditional position.

g. Reduction in Force: Termination of employment of an employee when necessary to reduce the number of employees.

h. **Transfer**: Movement of an employee from one position to another within the same classification.

i. Promotion: Movement of an employee from one classification with more responsibility at a higher pay grade.

j. Demotion: Movement of an employee from one classification to another classification with less responsibility at a lower pay grade.

k. Appropriate Official: Division chairman, administrator, or immediate supervisor, depending on the employee's position.

l. Duty Days: Those days on which the employee is required to report for duty as determined by the college calendar adopted annually by the Board of Trustees.

m. Military Service: Military service as that term is used in the Selective Service Act of 1948, as amended, and hereinafter referred to as military service, includes active service as a commissioned officer, warrant officer, enlisted man in Army, Navy, Air Force, Marine Corps, Coast Guard, the Coast and Geodetic Survey, and Public Health Service; a cadet of the United States Military Academy or of the Air Force Academy; and a midshipman of the United States Naval Academy or United States Coast Guard Academy.